

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 7-10, 13-15, 18-20, and 22-29 are pending in this application. Claims 1-6, 11, 12, 16, 17, and 21 were previously cancelled. Claim 19 is amended. Claims 18, 19, and 29 are independent.

Reconsideration of this application, as amended, is respectfully requested.

Request for Withdrawal of Final Rejection / Reasons for Entry of Amendments

First of all, as argued below the Applicants respectfully submit that the rejection of independent claim 19 was not proper, inasmuch as newly cited reference Fujimori et al. fails to teach or suggest “L-shaped recesses” as presently set forth in independent claim 19.

Nonetheless, while not conceding the appropriateness of the Examiner’s rejection, but merely to further distinguish over the Fujimori et al. reference, independent claim 19 has been amended to set forth additional novel features to further distinguish over the cited references.

Thus, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of

appeal. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

Allowable Subject Matter

The Examiner states that claims 7-10, 13, 15, 18, 24-27 and 29 are allowed.

The Applicants appreciate the Examiner's indication of allowable subject matter. As argued below, independent claim 19 has been amended to set forth a novel combination of elements not suggest by the references cited by the Examiner, including newly cited reference, Fujimori et al.

Therefore, independent claim 19 is in condition for allowance.

Claim for Priority

The Examiner is requested to acknowledge Applicants' claim for foreign priority under 35 U.S.C. §119 and receipt of the certified copy of the priority document filed with the application on September 8, 2000.

Rejections under 35 U.S.C. §103(a)

Claims 14, 19, 20, 22, 23, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakaya et al. (U.S. Patent No. 5,684,884) in view Fujimori et al. (U.S. Patent No. 5,868,485) and Szilagyi et al. (U.S. Patent No. 6,396,197).

This rejection is respectfully traversed.

Independent Claim 19

First of all, as argued below the Applicants respectfully submit that the rejection of independent claim 19 was not proper, inasmuch as the Examiner has wrongly concluded that newly cited reference Fujimori et al. teaches “L-shaped recesses” as presently set forth in independent claim 19.

As can be seen in Fujimori et al. FIG. 5, this document merely discloses an engagement groove 52c with a “rectangular-shaped island” extending upward from a central portion thereof. This is completely different from and bears no resemblance to the “L-shaped recesses” as set forth in claim 19 in the Amendment filed on October 28, 2006.

Nonetheless, while not conceding the appropriateness of the Examiner’s rejection, but merely to further distinguish over the Fujimori et al. reference, independent claim 19 is amended as shown below to recite a combination of elements not disclosed or suggested by the references cited by the Examiner, including *inter alia*

the shell side frame piece having multiple claws, each of the claws having a solid plate-shaped portion extending orthogonally to ear side and shell side surfaces of the shell side frame, and an inward extending portion extending inward toward a center of the shell side frame, the claws capable of holding the piezoelectric film speaker between the frame pieces when the claws are clamped into L-shaped recesses formed on edges of the ear side frame piece.

Support for the novel features claimed in independent claim 19 can be found in the specification, for example, on page 6, lines 12-26. See also FIG. 7.

The Examiner cites Fujimori et al. to overcome the deficiencies of Nakaya et al. and Szilagyi et al., neither of which teaches or suggests claws of recesses of any sort.

However, as can be seen in Fujimori et al. FIG. 5, this document merely discloses a open loop-shaped engagement protrusion 53c the opening of which fits over the rectangular-shaped island projecting upward from engagement groove 52c.

Thus, Fujimori et al. fails to teach or suggest the shell side frame piece having multiple claws, each of the claws having a solid plate-shaped portion extending orthogonal to inner and outer surfaces of the shell side frame and an inward extending portion extending inward toward a center of the shell side frame, the claws capable of holding the piezoelectric film speaker between the frame pieces when the claws are clamped into L-shaped recesses formed on edges of the ear side frame piece, as set forth in claim 19, as amended herein.

Moreover, the Applicants respectfully submit that the Fujimori et al. document is non-analogous art. Fujimori is directed to a projection type display device having frames around an LCD panels 40R, 40G, 40B arranged adjacent to a prism composite 22. It is difficult to comprehend how one skilled in the art at the time the present invention was made, would combine Fujimori et al. with the two other references cited by the Examiner to arrive at the present invention.

The Applicants respectfully submit that the examiner has failed to establish a *prima facie* case of obviousness, and thus the rejection made by the Examiner is NOT proper.

In view of the above, it is impossible for Fujimori et al. to make up for the deficiencies of Nakaya et al. and Szilagyi et al. to reject independent claim 19.

In view of the foregoing, it is respectfully submitted that independent claim 19 is in condition for allowance.

Applicants respectfully request withdrawal of the rejection of claim 19 as being unpatentable over the combination of Nakaya et al., Fujimori et al., and Szilagyi et al.

In summary, independent claim 19 is in condition for allowance.

Since dependent claims 14, 20, 22, 23, and 28 depend directly or indirectly from allowable independent claim 19 they are also allowable due to their dependence on allowable independent claims, or due to the additional features provided by these claims.

Thus, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

All claims of the present application are now in condition for allowance

CONCLUSION

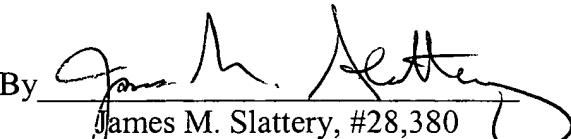
All the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants, therefore, respectfully request that the Examiner reconsider the outstanding objection and rejection and that they be withdrawn. It is believed that a full and

complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

However, if there are any outstanding issues, the Examiner is invited to telephone Carl T. Thomsen, Reg. No. 50,786, at 703-205-8000 in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery, #28,380
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JMS/CTT/lw 